

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Sandra K. Caudill,)	C/A No.: 3:10-cv-02291-JFA
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
South Carolina Criminal Justice)	
Academy and Michael Lanier and)	
Randy King, in their individual capacities,)	
)	
Defendants.)	
)	

The plaintiff, Sandra K. Caudill, filed this action against the Defendants, alleging claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.* (“Title VII”) and the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.* (“ADA”). Additionally, Caudill alleges a claim under South Carolina law for civil conspiracy. Defendants are the South Carolina Criminal Justice Academy, Michael Lanier, and Randy King. In this case, Defendants filed a motion to dismiss Plaintiff’s first and second causes of action, and Plaintiff filed a memorandum in opposition and motion to strike, but at a hearing before the Magistrate Judge, the Magistrate Judge directed that the motion to dismiss be amended to a motion pursuant to Rule 12(c) (Motion for Judgment on the Pleadings). Plaintiff was given the opportunity to file a response and did so. Defendants also filed a reply.

In response to Defendants’ motion for judgment on the pleadings, the Magistrate Judge issued a Report and Recommendation (“R&R”). In the R&R, the Magistrate Judge recommended that Defendants’ motion for judgment on the pleadings (ECF No. 16) be granted, in part, as to Plaintiff’s claims for disability discrimination in violation of the ADA (First Cause of Action) and as to her claim of retaliation in violation of the ADA (part of the Second Cause of

Action) and denied as to the remainder of the Plaintiff's claims (retaliation in violation of Title VII and civil conspiracy). Plaintiff filed an Objection to the Report and Recommendation on August 29, 2011 (ECF No. 42), containing the following objection:

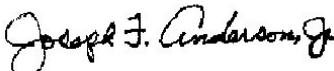
Plaintiff objects to the extent that to dismiss her ADA claim and not allow leave to amend her Complaint to plead a pendent cause of action for violation of S.C. Human Affairs Law for disability discrimination would create an injustice by allowing the Defendant S.C. Criminal Justice Academy ("CJA") to escape defending its actions against the Plaintiff, as alleged.

Since Plaintiff filed her Objection to the R&R, the Magistrate Judge held a hearing, during which he denied Plaintiff's Motion to Amend her Complaint. As such, the only objection offered by Plaintiff against the R&R is now moot. In the absence of objections to the Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Accordingly, after carefully reviewing the Report and Recommendation, pleadings, and applicable law, the court adopts the Report and Recommendation of the Magistrate Judge and incorporates it herein.

For the reasons stated therein and in this Order, Defendants' motion for judgment on the pleadings (ECF No. 16) is granted, in part, as to Plaintiff's claims for disability discrimination in violation of the ADA (First Cause of Action) and as to her claim of retaliation in violation of the ADA (part of the Second Cause of Action) and is denied as to the remainder of the Plaintiff's claims (retaliation in violation of Title VII and civil conspiracy).

IT IS SO ORDERED.

September 26, 2011
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge